IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2571 OF 2004

Ashok O. Agarwal .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Ace legal Consultants for petitioner

Coram: V.M. Kanade, J.

Dated: 25/04/2005.

P.C. :-

1 I have heard the learned counsel for the petitioner and the learned counsel for the respondent No.2.

2 It is contended by the learned counsel for the petitioner that the statutory notice has been served on the wrong address and, therefore, the complaint itself is not maintainable. It is not possible to accept the submission made by the learned counsel for the petitioner. The question whether the petitioner is served at the proper address is not a question of fact which can be only decided after evidence to lead by both parties in the trial court. The question raised by the petitioner in this petition is kept open. The trial court to decide the question on merits and in accordance with law.

(V.M. Kanade,J.)